

ORIGINAL

WILLIAM R. TAMAYO, #084965 (CA)
DAVID F. OFFEN-BROWN, #063321 (CA)
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Francisco District Office
350 Embarcadero, Suite 500
San Francisco, CA 94105-1260
Telephone: (415) 625-5667
Facsimile: (415) 625-5609

WILFREDO TUNGOL, #2550 (HI)
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Honolulu Local Office
300 Ala Moana Blvd., Rm. 7-127
Honolulu, HI 96850-0051
Telephone: (808) 541-3121
Facsimile: (808) 541-3390

FILED
Clerk
District Court

OCT 27 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

KUMANOMI ISLAND CO., LTD.,

Defendant.

) Case No.: 05-0029

)

)

) **WAIVER OF SERVICE of the**
) **Complaint and Summons**

)

)

)

)

)

)

)

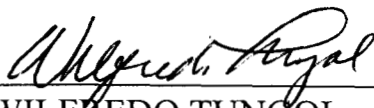
)

)

Attached is Defendant's Waiver of Service of the Complaint and Summons
in this case and proof of service of the court documents required to be served upon
the filing of this Complaint.

1 Dated this 18th day of October, 2005
2
3

4 Respectfully Submitted,

5 
6 _____
7 WILFREDO TUNGOL
8 Attorney for Plaintiff
9 EQUAL EMPLOYMENT
10 OPPORTUNITY COMMISSION
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RECEIVED

OCT 18 2005

EEOC HLO

WAIVER OF SERVICE OF SUMMONS

TO: Mr. MICHAEL W. DOTTS, ESQ.

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Michael W. Dotts Atty. for Plaintiff Kumanomi Island, acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of EEOC v. KUMANOMI ISLAND CO., LTD.,
(CAPTION OF ACTION)

which is case number CV 05-0029 in the United States District Court
(DOCKET NUMBER)

for the _____ District of _____ Northern Marianas Island .

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 10/12/2005,
(DATE REQUEST WAS SENT)
or within 90 days after that date if the request was sent outside the United States.

10/17/05
(DATE)

[Signature]
(SIGNATURE)

Printed/Typed Name: Michael W. Dotts

As Attorney of Kumanomi Island Co., Ltd.
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.